APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,513	04/09/1999	PHILIP R. WISER	P-2090	8705

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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER
GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/289,513	WISER ET AL.
	Examiner	Art Unit	
	Luke Gilligan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>51-70</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>51-70</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   In the amendment filed 12/27/04, the following has occurred: claims 1-50, the rejections

of which were affirmed in the BAPI decision mailed 10/29/04, have been canceled. Claims 51-

70 have been added and are now presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

3.   Claims 58, 59, and 61-64 are rejected under 35 U.S.C. 102(e) as being anticipated by

Payne et al., U.S. Patent No. 5,715,314.

4.   As per claim 58, Payne et al. teach a method for conducting electronic commerce

through a computer network, the method comprising: receiving, in a merchant computer system

of the computer network, a purchase request for a digital product (see column 5, lines 26-29,

payment computer of Payne et al. is read upon by the merchant system); receiving payment

data in the merchant computer system wherein the payment data specifies remuneration for the

digital product (see column 5, lines 29-34, this step is preformed by the payment computer of

Payne et al.); sending a request for reservation of the digital product to a content manager

computer system which is different from the merchant computer system and which is coupled to

the merchant computer system through the computer network (see column 7, lines 31-33,

merchant computer of Payne et al. is read upon by the content manager, the request includes a

request to reserve access to the digital document for a specified duration of time; the two

computers are coupled via network 10 of Payne et al, see figure 1); receiving, in the content

manager computer system a delivery request signal from the merchant computer system

wherein the delivery request signal requests delivery of the digital product to a client computer

system through the computer network (see column 7, lines 31-39, the delivery request is sent

from the payment computer to the merchant computer via the buyer computer); sending

transaction identification data to the client computer system wherein the transaction

identification data identifies the digital product and represents remuneration in accordance with

the payment data (see column 7, lines 18-24 and lines 31-32); receiving, in a delivery computer

system of the computer network, the transaction identification data from the client computer

system (see column 7, lines 32-33); determining within the delivery computer system, in

accordance with the transaction identification data, the digital product (see column 7, lines 27-

33); and sending, from the delivery computer system, the digital product to the client computer

system (see column 7, lines 46-50).

5.   As per claim 59, Payne et al. teach the method of claim 58 as described above, further

comprising: sending, from the delivery computer system to the content manager computer

system, a signal indicating that sending the digital product to the client computer system is

completed (see column 3, lines 24-27).

6.   As per claim 61, Payne et al. teach the method of claim 58 as described above, wherein

requesting reservation by the merchant computer system comprises: encrypting data

representing a requested reservation (see column 1, lines 59-64); sending the data as

encrypted to the content manager computer system (see column 1, line 64 – column 2, line 2);

and decrypting the data within the content manager computer system (see column 1, line 64 –

column 2, line 2, the data has to be decrypted to be viewed).

7.   As per claim 62, Payne et al. teach the method of claim 58 as described above, wherein, in response to requesting reservation by the merchant computer system, the content manager computer system effects such a reservation of the digital product by: forming transaction data which include (i) the transaction identification data, (ii) product identification data which identifies the digital product, and (iii) binding data which binds the transaction to the client computer system (see column 5, lines 30-44); and sending the transaction data to the merchant computer system (see column 5, lines 48-53).

8.   As per claim 63, Payne et al. teach the method of claim 58 as described above, wherein the delivery request signal includes the transaction identification data (see column 5, lines 27-44).

9.   As per claim 64, Payne et al. teach the method of claim 58 as described above, wherein the transaction identification data, as received by the delivery computer system is certified as originating from the client computer system (see column 5, line 42, particularly the "buyer network address").

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 51, 52, 54-57, and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al., U.S. Patent No. 5,5715,314 in view of Fulton et al., U.S. Patent No. 6,182,052.

12.   As per claim 51, Payne et al. teach a method for conducting electronic commerce

through a computer network, the method comprising: receiving, in a merchant computer system

of the computer network, a purchase request for a digital product (see column 5, lines 26-29,

payment computer of Payne et al. is read upon by the merchant system); receiving payment

data in the merchant computer system wherein the payment data specifies remuneration for the

digital product (see column 5, lines 29-34, this step is preformed by the payment computer of

Payne et al.); sending a request for reservation of the digital product to a content manager

computer system which can be different from the merchant computer system and which is

coupled to the merchant computer system through the computer network (see column 7, lines

31-33, merchant computer of Payne et al. is read upon by the content manager, the request

includes a request to reserve access to the digital document for a specified duration of time; the

two computers are coupled via network 10 of Payne et al, see figure 1); receiving, in the content

manager computer system a delivery request signal from the merchant computer system

wherein the delivery request signal requests delivery of the digital product to a client computer

system through the computer network to a client computer system which can be different from

the buyer computer system (see column 7, lines 31-39, the delivery request is sent from the

payment computer to the merchant computer via the buyer computer); sending transaction

identification data to the client computer system wherein the transaction identification data

identifies the digital product and represents remuneration in accordance with the payment data

(see column 7, lines 18-24 and lines 31-32); receiving, in a delivery computer system of the

computer network, the transaction identification data from the client computer system (see

column 7, lines 32-33); determining within the delivery computer system, in accordance with the

transaction identification data, the digital product (see column 7, lines 27-33); and sending, from

the delivery computer system, the digital product to the client computer system (see column 7, lines 46-50).

13.   Payne does not explicitly teach that the request for reservation of the digital product does not pass through the buyer computer system since the buyer computer in Payne routs the access request from payment computer to the merchant computer. However, such routing of requests that does not pass through a buyer computer is old and well known in the art as taught by Fulton (see column 5, lines 46-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature of removing the necessity of the buyer computer to rout access requests into the system of Payne. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of further enhancing security provided to users of the system (See column 4, lines 37-44).

14.   As per claim 52, Payne in view of Fulton teach the method of claim 58 as described above. Payne further teaches sending, from the delivery computer system to the content manager computer system, a signal indicating that sending the digital product to the client computer system is completed (see column 3, lines 24-27).

15.   As per claim 61, Payne in view of Fulton teach the method of claim 58 as described above. Payne further teaches requesting reservation by the merchant computer system comprises: encrypting data representing a requested reservation (see column 1, lines 59-64); sending the data as encrypted to the content manager computer system (see column 1, line 64 – column 2, line 2); and decrypting the data within the content manager computer system (see column 1, line 64 – column 2, line 2, the data has to be decrypted to be viewed).

16.   As per claim 62, Payne in view of Fulton teach the method of claim 58 as described above. Payne further teaches in response to requesting reservation by the merchant computer system, the content manager computer system effects such a reservation of the digital product

by: forming transaction data which include (i) the transaction identification data, (ii) product identification data which identifies the digital product, and (iii) binding data which binds the transaction to the client computer system (see column 5, lines 30-44); and sending the transaction data to the merchant computer system (see column 5, lines 48-53).

17.   As per claim 63, Payne in view of Fulton teach the method of claim 58 as described above. Payne further teaches the delivery request signal includes the transaction identification data (see column 5, lines 27-44).

18.   As per claim 64, Payne in view of Fulton teach the method of claim 58 as described above. Payne further teaches the transaction identification data, as received by the delivery computer system is certified as originating from the client computer system (see column 5, line 42, particularly the "buyer network address").

19.   Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al., U.S. Patent No. 5,5715,314 in view of Stefik et al., U.S. Patent No. 6,236,971.

20.   As per claim 60, Payne et al. teach the method of claim 58 as described above. Payne et al. do not explicitly teach encrypting the digital product before sending it to the client computer system and then decrypting it once in the client computer system. Stefik et al. teach encrypting the digital product with a created encrypting key before sending it to the client computer system and then decrypting it once in the client computer system (see column 26, lines 39-52, column 37, lines 40-43 and lines 57-62). Stefik further teaches discarding the new encryption key (see column 37, lines 40-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the encrypting element of Sefik et al. with the electronic commerce method of Payne et al. for the purpose of providing increased security to users of the system.

21.   Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al.,

U.S. Patent No. 5,5715,314 in view of Fulton et al., U.S. Patent No. 6,182,052 and further in

view of Stefik et al., U.S. Patent No. 6,236,971.

22.   As per claim 53, Payne in view of Fulton teach the method of claim 58 as described

above. Payne et al. do not explicitly teach encrypting the digital product before sending it to the

client computer system and then decrypting it once in the client computer system. Stefik et al.

teach encrypting the digital product with a created encrypting key before sending it to the client

computer system and then decrypting it once in the client computer system (see column 26,

lines 39-52, column 37, lines 40-43 and lines 57-62). Stefik further teaches discarding the new

encryption key (see column 37, lines 40-43). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the encrypting element of Sefik et al.

with the electronic commerce method of Payne et al. for the purpose of providing increased

security to users of the system.

Conclusion

23.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner

can normally be reached on Monday-Friday 8am-5:30pm.

24.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

25.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/2/06

C. LUKE GILLIGAN
PATENT EXAMINER